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To: <wvogl@samhsa.gov>
Date: 7/12/04 11:08AM
Subject: SAMSHA & Drug-testing Guidelines

To whom it may concern:

I am writing regarding the currently effective drug testing policy 'mandated guidelines' as well as those to be instituted, which seem to be for all intents, it may be said, highly lacking. Disregarding the commonly meddled with issue of privacy, for I'm sure a good many letters already are written of this, the policy to be instated seems to be in oversight of several things.

The first is related to the means of testing, analyses of urine. This means the applicant, to even be considered for the job, must give forth of precious bodily fluid, an act which itself should receive compensation if being done in such an official capacity. I speak not of mere 'unreasonable search and seizure' (this may or may not be so), but of a religious issue. As a shaman initiate, one can absolutely not, under any circumstance, give forth fragments of one's body or byproducts of it without the utmost concern for what is to happen to said pieces. If you are unfamiliar with Native American religion, I will give you a short summary, true of other indigenous cultures as well. As the body is a temple, so oft have we heard, the excretions and secretions of it are particular jewels, unique to the whole person's essence. Science verifies this – DNA containing the pattern for the entire physical being is within each cell. This makes donating of urine, saliva, hair, or blood unthinkable. Each of these substances is typically used for specific purposes, often medicinal, such as applying saliva to a wound. This promotes quick recovery of injury because of the personal nature of the substance, matching the make-up of the body it is from. Furthermore it is now known by many anthropologists, as well as shamans who trace the lineage of their art back many generations, an enemy wishing ill upon one need only steal the appropriate substance to make an effective curse against the donor. This is well known in New Orleans. In the Amazon, even discarded remnants of food found by the wrong one may be credited as the cause of mishap or even death. Often also, it is necessary to store one's own urine for anti-fungal use (for example athlete's foot) and fasting (to those who can stand the thought). Therefore, donating such intimate substances not only to a stranger, but to be passed among people I will not even meet, would be unspeakably careless. Besides this, to do so as many times as would necessary to find a job? Impractical, and entirely out of the question to anyone who slightly values their excretions. However, one constitutionally is not allowed to discriminate in hiring for reasons other than competence, at least in theory. So how then to deal with this obvious discrimination? Certainly even among common people who do not object on religious grounds, there are as many who would hesitate to provide urine or other bodily samples, the violation of instinctual safe practices being so obvious it is practically common sense, to some. It is not just, nor constitutional, to deny any of these mentioned an equal chance of employment and all other opportunities. Therefore, it is absolutely necessary that the policies be revised. The simplest suggestion of course, merely omitting the tests of those who refuse, yet considering them as equally valid for employment is not unreasonable, but offends the senses of those who do not mind providing the very substance of their being for laboratory work. Then, perhaps none should be tested for drug presence at all? It would seem that an even mediocre institution would function such

that each employee, watching the competence of his or her coworker would easily notice when intoxication or remaining after-effects thereof affected the performance of work to any significant degree. Nonetheless, I hear complaint that the world is not perfect and standards must be kept.

The second consideration then, is that there may be some alternative form of surveying of applicants and employees which could be instituted. A great many cognitive tests, surveys of the reactions, alertness and judgment are known to psychologists. A fine line here will have to be drawn, however. One will find on examining such matters, that to make the appropriate study of how drugs affect the mind, it is soon noticed that the effect is either not always negative, or may be a more marked failure in a sober person of lesser capacities. So the question of further discriminatory practice will have to be addressed here, although it is not a secret that it is more desirable to hire an intelligent person for management, and a slow one for drone. Nonetheless, with only a cursory amount of research, data showing the effect of various drugs and the outcome of particular tests is found, and these tests could easily be standardized to the purposes of SAMSHA. This more modern method would be a sound replacement in determining competence and would likely prove ultimately of less expense. This consideration is supplemented by another proposal: a good psychologist in a company's hiring staff could probably determine by only an interview whether or not a person was intoxicated at present, recently, or habitually indulging in any problematic vice. Such a 'review person' or even board perhaps, could either be employed at the appropriate local government office, employed by the company desiring to drug-test (at their own expense), or could be required to be a third-party, contracted for the explicit purpose of drug-testing. The only question remaining would be one of licensing or appropriately accrediting the authority to make these determinations, and who foots the bill. Likely, your agency could profit from this. It may not be necessary to have any new credentials provided, in theory, since psychologists are typically trained in the effect of substances on the mind and body among their basic studies. However, employing more specialized persons could be helpful, or perhaps any person unaccredited, who had a suitable amount of experience of intoxicated people and their behavior. Treatment and recovery specialists would be likely candidates for this post, and probably ideal since the largest portion of their job is noting drug use patterns of their patients.

Having presented two alternatives to the currently suggested forms of drug-testing, I conclude that there are doubtlessly others as well, which would be vastly more desirable than requiring urine, tissue, or other body parts and by-products. I am sure this renovation would pose no threat to SAMSHA as an organization, and would probably make it a more effective and useful one ultimately. As a casual letter may be concealed within an envelope to keep from prying eyes, for many reasons an innocent man might object to the presently instituted drug-testing policy. No such person may be denied the opportunity for employment. Let this issue be addressed now, and amend the system, that many years later of strife and the hiring of attorneys be avoided.

In writing this letter I could not be as thorough as I would have liked, but the work that remains is of course in the charge of those employed to do so.

Please consider these ideas and bring them to your peers for the necessary evaluations. You take great responsibilities on yourselves now, and will affect many people's future. I trust the job is in good hands, and correct actions will be taken.

Sincerely,

Ben R. Selker

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